

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, October 24, 2012**

1. Call to Order:

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Susan Baldwin (Mayor)	Jan Frantz	Chip Spranger
Steve Barker	John Godfrey	John Stetler
Dan Buscher	Preston Hicks	

Members Excused: Dave Walters

Staff Present: Christine Hilton, Planning Supervisor
Jill Steele, Deputy City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of May 23, 2012 & Sept. 26, 2012 (Workshop).

MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER SPRANGER, TO APPROVE THE PLANNING COMMISSION REGULAR MEETING MINUTES FOR MAY 23, 2012 AND WORKSHOP MEETING MINUTES FOR SEPTEMBER 26, 2012 AS PRESENTED.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: None

6. Public Hearing and Deliberation/Recommendations:

A. Amendment to the Ordinance – Site Plan Review Chapter 1294:

Commissioner Hicks Opened the Public Hearing:

Ms. Christine Hilton, Planning Supervisor, stated the revisions today are a result from the workshop held; also some changes from the City Attorney's Office. Noted the main reasons for the ordinance revisions are as follows: The Wellhead Protection Area needing to be included and standards approved as a part of that process for properties that are in the Wellhead Protection Area as far as development is concerned; also to provide better clarification of the site plan process procedures.

Ms. Hilton noted the revisions made as a result of the workshop meeting are as follows:

- 1) On (pg.2) Application process; added asking for a CD copy for any new or revised plans being submitted which would save the City the cost of scanning these documents.
- 2) On (pg. 6) Sec. (g) added "and/or any entity having authority over said roadway".

- 3) On (pg. 7) 1294.06, Sec. (c) added that “any revisions to a site plan have to follow in accordance with the original approval process” (Just to make sure it is complete).
- 4) On (pg. 8) Performance Guarantee: Ms. Jill Steele, Deputy City Attorney added changes that were directly from the Michigan Enabling Zoning Act to reinforce the section regarding the performance bonds. Ms. Steele noted much of the changes are from the State Statute; which provides there has to be some kind of rebate if a cash deposit is made with need provisions to give back portions of the cash bond as progress is made. Stated they wanted to put it directly into the ordinance having 3 equal installments with provisions if they do not complete the project.
- 5) On (pg. 9) Sec. (b) Deals with stop-work orders, which has been expanded upon based on existing law that deals with stop work orders. Ms. Hilton stated the ordinance stated they need to give them notice for one full working day prior to issuing the actual stop work order; which would allow them time to come and either apply for a permit and get approval for their changes, etc.

With no others wishing to speak, Chairperson, Commissioner Hicks closed the public hearing and asked commissioners for a motion.

MOTION BY MAYOR BALDWIN, SUPPORTED BY COMMISSIONER GODFREY TO APPROVE AMENDMENTS TO “SITE PLAN REVIEW ORDINANCE, CHAPTER 1294” AS SUBMITTED BY THE PLANNING DEPARTMENT.

Discussion:

Commissioner Stetler stated he apologized for not attending the workshop meeting; said he had three areas of concern:

1. Pg 2 (a), (2nd line) Need to say who providing within the City the applications or what department is responsible. (Ms. Hilton will add preformed by and city departments name.)
2. Pg. 2 (c) What happens if not reviewed within 2-weeks or 15 days; Commissioner Stetler said he wants developers to automatically assume it has been approved after that time-frame. Ms. Steele states you cannot assume it has been approved as there are too many persons and/ or departments involved in the review process and certain circumstances may allow for more time.

After further discussion relative to appraisal deadline, Ms. Hilton asked if they would prefer to not have a timeline in the ordinance and that it could become a departmental policy of which they would attempt to get a response back within 15-days rather than having it in the ordinance.

Chairperson Hicks asked for a Vote: Seven stated – Yes to agree to have it a departmental policy to have a 15-day turnaround timeframe for Site Plan Reviews; Commissioner Stetler stated he had expressed his concern.

Chairperson Commissioner Hicks stated that incorporating it within the policy seems advisable; Ms. Hilton is to share if any information is received in the contrary.

3. Commissioner Stetler made reference to page (4) (h) to clarify “location of adjacent property-lines” he is not sure what that means and how far do they want to go to give them adjacent property lines; can it be better defined. Ms. Hilton stated it is defined later on within that sentence of being 100 ft. of subject property.

Commissioner Frantz made reference to page 2, 1294.03 regarding Planned Unit Developments (PUD) referring to sidewalks; and shall not be required for detached single-family housing or 2-unit family dwellings, asked for clarification; also is a PUD considered residential here and does it include residential and commercial which can also be a Condominium type development. Ms. Hilton stated there is a separate ordinance for a Planned Unit Development which always requires a Site Plan regardless of what is being put in it, as it can be residential, commercial or a mix of both. Ms. Hilton said what this section says is that if you just own a property somewhere and want to build a home; you do not need to go through the site plan process. Commissioner Frantz asked if we should refer people to the Planned Unit Development portion of our ordinance so that they know where to look. Ms. Hilton stated, yes she can add that within the chapter.

Commissioner Barker made reference to page 7, paragraph 1294. 06 "Decisions and Approval"; which talks about who approves the site plan etc. Stated he did not see anywhere where the public has any input into the site plan; asked if the public does not have any say or input. Ms. Hilton stated that was correct; the site plan, if it meets the standards listed in the zoning ordinance, has to be approved and there are no discretionary decisions that the public would be able to make; if it is not required by ordinance; they cannot require it either. Commissioner Barker stated out in the community that is one complaint he has heard is the issue of the site plan and not knowing what a project will look like; and has referred them to contact the Planning Department.

Commissioner Frantz asked if they had Form Based Codes, would it change the Site Plan Review process to where the site plan would be part of the approval process based on its form instead of its function. Ms. Hilton stated it depends on how that ordinance would be setup; if a hybrid code were done where it mixed in the existing zoning with some Form Based Code perimeters, it may or may not come through the Planning Commission for review and that a part of what it is had design guidelines associated with the project depending on how it is written with the approval process it could be done through Planning Commission or internally.

Mayor Baldwin asked regarding page 7, Ch. 1294.06 (b); where it states that it would be addressed within 15-days and if Ms. Hilton can make the changes discussed here today and provide a clean copy for their next meeting before submitting to the City Commission for approval. Ms. Hilton agreed.

MOTION WITHDREW BY MAYOR BALDWIN; ALSO SUPPORT WITHDREW BY COMMISSIONER GODFREY. A NEW MOTION MADE BY MAYOR BALDWIN TO POSTPONE CONSIDERATION OF THE ORDINANCE AMENDMENT UNTIL THE NEXT MEETING; SUPPORTED BY COMMISSIONER GODFREY.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

7. **Old Business:** None

8. **New Business:**

a. **Approval of Planning Commission Meeting Dates for the Year 2013:**

MOTION WAS MADE BY MAYOR BALDWIN, SUPPORTED BY COMMISSIONER STETLER, TO APPROVE THE PLANNING COMMISSION MEETING DATES FOR THE YEAR 2012, AS PRESENTED.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

9. **Comments by the Public:** None
10. **Comments by the Staff and Commission Members:** Chair Commissioner Hicks thanked everyone for their observations and comments on the changes for the Site Plan Review Ordinance.
11. **Adjournment:** The meeting was adjourned at 4:45 P.M.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Christine M. Hilton".

Christine M. Hilton, AICP
Executive Secretary, Planning Commission